

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

ERIK PATTON STEARNS,

Plaintiff,

v.

1:17-cv-01206-SS

MEDICREDIT, INC.,

Defendant.

**DEFENDANT MEDICREDIT'S ADVISORY TO THE COURT OF PLAINTIFF'S
FAILURE TO FILE A RESPONSE TO DEFENDANT'S MOTION FOR SANCTIONS**

Defendant Medicredit, Inc. files this Advisory to the Court to notify the Court of Plaintiff, Eric Patton Stearns' ("Plaintiff") failure to file a response to Defendant's Motion for Sanctions ("Motion"):

As established in Defendant's Motion (Doc. 21) and the Exhibits (Doc. 22) attached in support of the Motion, the undisputed documentary evidence wholly contradicts Plaintiff's allegations and conclusively establishes the falsity of the representations made to this Court in the Complaint. In this connection, Plaintiff's Counsel filed a Motion to Withdraw on May 21, 2018 and (Doc. 20) and the Court entered an Order Granting Plaintiff's Counsel's Motion to Withdraw on May 25, 2018 (Doc. 31). Pursuant to the Court's May 25th Order, Plaintiff was directed to file a Response to Defendant's Motion on or before **June 25, 2018**. (Doc. 31).

Defendant would show the Court that Plaintiff has failed to comply with the Court's May 25th Order and has neither obtained counsel nor filed a Response to Defendant's Motion as directed by the Court. Plaintiff's failure to comply with the Court's May 25th Order is yet another example of Plaintiff's disregard for procedure and his duty to comply with the Federal

Defendant's Advisory to the Court

Rules of Civil Procedure and this Court's Orders. Plaintiff's disregard for the Court's May 25th Order is also consistent with his unexcused failure to appear for his duly noticed May 22nd oral deposition which caused Defendant to incur additional fees and expenses in connection with Plaintiff's conduct in this case.

In sum, Plaintiff's conduct in this case is the type of conduct Rule 11 is designed to deter and Defendant respectfully requests the Court to take notice of Plaintiff's failure to comply with the Court's May 25th Order when considering Defendant's request for relief set forth in Defendant's Rule 11 Motion (Doc. 21) and Motion for Discovery Sanctions (Docs. 26 and 27).

Defendant Mediacredit, Inc., respectfully requests this Court to grant its Rule 11 Motion and Motion for Discovery Sanctions and enter an Order sanctioning Plaintiff by dismissing Plaintiff's Complaint and awarding Mediacredit its attorneys' fees and costs, and for additional relief this Court deems appropriate under the circumstances.

Dated this 2nd day of July, 2018

Respectfully submitted,

/s/ Raj Aujla

Raj Aujla

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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

The undersigned certifies that on July 2, 2018 he caused a copy of the foregoing, to be served on Erik Patton Stearns via Certified and Regular U.S. Mail at his last known address of:

Erik Patton Stearns
2407 South Congress Avenue Suite E-622
Austin, TX 78704

/s/ Raj Aujla
Raj Aujla